

**ENVIRONMENTAL  
IMPACT ASSESSMENT NO: EA2006-3**

Planning Division

455 E. Calaveras Blvd., Milpitas, CA 95035

(408) 586-3279

Prepared by: Cindy HomFebruary 28, 2007Title: Staff Planner

1. Project title: Use Permit Amendment No. UA2006-4, "S" Zone Approval Amendment No. SA2006-18, and Environment Assessment No. EA2006-3
2. Lead Agency Name and Address: City of Milpitas
3. Contact person and phone number: Cindy Hom
4. Project location: 1494 and 1600 California Circle (APN 022-37-011 and 012), Milpitas, CA 95035
5. Project sponsor's name and address: Wayne Okubo, Everlasting Foundation
6. General plan designation: Industrial Park (MP)
7. Zoning: Industrial Park (MP)
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)  
The project applicant is requesting a Use Permit Amendment that would allow an existing 61,122 sq. ft. church facility located at 1494 California Circle (APN 022-37-011) to expand into an adjacent 44,000 sq. ft. industrial building located at 1600 California Circle (APN 022-37-012). The project proposal consists of relocating the approved Sanctuary, meeting rooms, classrooms, and administrative offices to the adjacent building at 1600 California Circle and converting the building at 1491 California Circle to a Seminary consisting of offices, classrooms, kitchen facility, and indoor gymnasium. The project proposal also includes site and architectural modifications such as a new covered walkway, removal of two driveways entrances, reconfiguration of the parking lot area and landscaping between the two buildings, and installation of new signage.
9. Surrounding land uses and setting: Briefly describe the project's surroundings:  
The subject site on two existing developed parcels that are currently zoned Industrial Park (MP). Surrounding land uses include: Dixon Landing Road and industrial/professional offices to the north; Coyote Creek and Multi-Family residential homes to the east; BAPS Religious Temple and R&D buildings to the south; a gas service station and fast-food restaurant center as well as other R&D uses to the west.
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)  
None.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

☐

Aesthetics

☐

Agriculture Resources

☐

Air Quality

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology / Soils          |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality            | <input type="checkbox"/> Land Use / Planning      |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population / Housing     |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance |   |

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Date: 2/28/07

Project Planner: Cindy Horn

Signature

CINDY HORN

Printed Name

A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project level, indirect as well as direct, and construction as well as operational impacts.

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
<b>I. AESTHETICS:</b>						
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,8,11,13
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,8,11,13
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,8,11,13
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,8,11,13
<b>II. AGRICULTURE RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:						
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13, 17
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13, 17
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,13, 17

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<b>III. AIR QUALITY:</b> (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations). Would the project:						
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	9
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,9
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,9
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,9
<b>IV. BIOLOGICAL RESOURCES:</b> Would the project:						
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish & Game or U.S. Fish & Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 18
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish & Game or U.S. Fish & Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11

WOULD THE PROJECT:	IMPACT					Source
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c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 18
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 18
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 18,26
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 18
<b>V. CULTURAL RESOURCES:</b> Would the project:						
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11, 15,16
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11, 15,16
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11, 15,16
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11, 15,16
<b>VI. GEOLOGY AND SOILS:</b> Would the project:						
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,7,8, 11,22

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i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,7,8, 11
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,7,8, 11
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,7,8, 11
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,7,8, 11
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8,11
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8,11
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8,11
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8,11, 22
<b>VII. HAZARDS AND HAZARDOUS MATERIALS:</b>						
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,26
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,26
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,26

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d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,26
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18
<b>VIII. HYDROLOGY AND WATER QUALITY:</b>						
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,21
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or situation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,23

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d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,20, 23
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff as it relates to C3 regulations for development?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,23
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,20
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,20
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,20
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,14, 17,18
<b>IX. LAND USE AND PLANNING:</b>						
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,13,18



WOULD THE PROJECT:	IMPACT					Source
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b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,12,13
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18
<b>X. MINERAL RESOURCES:</b>						
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
<b>XI. NOISE:</b>						
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18

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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,14,18
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,14,18
<b>XII. POPULATION AND HOUSING:</b>						
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18
<b>XIII. PUBLIC SERVICES:</b>						
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:  Fire protection?  Police protection?  Schools?  Parks?  Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18,11,19

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<b>XIV. RECREATION:</b>						
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,18
<b>XV. TRANSPORTATION/TRAFFIC:</b> Would the project:						
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2,4,13, 19
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2,4,13, 19
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11, 13,19
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11, 13,19
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11,19
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,11, 13,19

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g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	11,12, 19
<b>XVI. UTILITIES AND SERVICE SYSTEMS:</b> Would the project:						
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,22
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,22
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,22
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,22
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,22
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	

XVII. MANDATORY FINDINGS OF SIGNIFICANCE:						
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,11, 13,15, 17,18, 26
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,18
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,26

**ENVIRONMENTAL IMPACT ASSESSMENT**  
**SOURCE KEY**

1. Environmental Information Form submitted by applicant
2. Project plans
3. Site Specific Geologic Report submitted by applicant
4. Traffic Impact Analysis submitted by applicant
5. Acoustical Report submitted by applicant
6. Archaeological Reconnaissance Report submitted by applicant
7. Other EIA or EIR (appropriate excerpts attached)
8. Alquist-Priolo Special Studies Zones Maps
9. BAAQMD Guidelines for Assessing Impacts of Projects and Plans
10. Santa Clara Valley Water District
11. Milpitas General Plan Map and Text
12. Milpitas Midtown Specific Plan Map and Text
13. Zoning Ordinance and Map
14. Aerial Photos
15. Register of Cultural Resources in Milpitas
16. Inventory of Potential Cultural Resources in Milpitas
17. Field Inspection
18. Planner's Knowledge of Area
19. Experience with other project of this size and nature
20. Flood Insurance Rate Map, September 1998
21. June 1994 Water Master Plan
22. June 1994 Sewer Master Plan
23. July 2001, Storm Master Plan
24. Bikeway Master Plan
25. Trails Master Plan
26. Other: Risk Assessment

## ENVIRONMENTAL CHECKLIST RESPONSES AND ANALYSIS

The following discussion includes explanations of answers to the above questions regarding potential environmental impacts, as indicated on the preceding checklist. Each subsection is annotated with the number corresponding to the checklist form.

### EXISTING SETTING:

*The project site is located within the Dixon Landing Business Park and sited on two developed parcels that provide a combined site area of 8.77 acres. Each parcel is developed with a concrete tilt up building, parking areas, and landscaping. The project site is bounded by Coyote Creek to the east, Dixon Landing Road to the north, California Circle to the west, and industrial buildings to the south. Surrounding land uses include: light industrial uses to the north; a gas service station, fast-food restaurants and hotel to the immediate west, light industrial and R&D uses to the south and southwest. The project is zoned and designated as Industrial Park (MP) by the Milpitas General Plan.*

### PROJECT DESCRIPTION:

*The project applicant is requesting a Use Permit Amendment that would allow an existing 61,122 sq. ft. church facility located at 1494 California Circle (APN 022-37-011) to expand into an adjacent 44,000 sq. ft. industrial building located at 1600 California Circle (APN 022-37-012). The project proposal consists of relocating the approved Sanctuary, meeting rooms, classrooms, and administrative offices to the adjacent building at 1600 California Circle and converting the building at 1491 California Circle to a Seminary consisting of offices, classrooms, kitchen facility, and indoor gymnasium. The project proposal also includes site and architectural modifications such as a new covered walkway, removal of two driveways entrances, reconfiguration of the parking lot area and landscaping between the two buildings, and installation of new signage.*

Attachment to Living Word Christian Center, Use Permit Amendment No. UA2006-4 and "S" Zone Approval Amendment No. SA2006-18

**Project Number** EA2006-3

### Discussion of Checklist/Legend

PS: Potentially Significant Impact  
LS/M: Less Than Significant with Mitigation Incorporation  
LS: Less Than Significant Impact  
NI: No Impact

## I. AESTHETICS

### Environmental Impacts

a) Would the project have a substantial adverse effect on a scenic vista? NI. Discussion. The project site is not located within any scenic corridors. The proposed religious facility and

seminary will occupy existing buildings. The buildings are located in the valley floor and do not obstruct views of the scenic hillsides.

b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? NI. Discussion. There are no scenic resources on the subject site and does not abut a scenic state highway.

c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings? NI. Discussion. The proposed project will not degrade the existing visual character or quality of the site and its surroundings because the project proposed minor modifications that do not change the overall architecture of the buildings. The modifications include a new covered walkway, removal of two driveways, reconfiguration of the parking area between the buildings and landscaping.

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? NI. Discussion. No new lights are proposed with this project. Proposed wall signs are non-illuminated. Although the project propose up lighting for the monument signs, they will be diffused and will not produce an adverse glares or substantial light that would affect day or nighttime views.

## **II. AGRICULTURE RESOURCES**

### **Environmental Impacts**

a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? NI. Discussion. The project site is zoned Industrial Park and does not impact

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract? NI. Discussion. The site is an existing industrial development does not conflict with the Williamson Act.

c) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? NI. Discussion. The site is an existing industrial development and does not involve conversion of farmland.

## **III. AIR QUALITY**

### **Environmental Impacts**

a) Would the project conflict with or obstruct implementation of the applicable air quality plan? NI. Discussion. The proposed project is for the operation of a religious center that includes a sanctuary, meeting rooms, classrooms, offices, and seminary and will not conflict with any applicable air quality plan.



b) Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation? NL. *Discussion*. The proposed project is for the operation of a religious center that includes a sanctuary, meeting rooms, classrooms, offices, and seminary. The proposed use will not violate any air quality standards or contribute substantial to an existing or projected air quality violation.

c) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)? NL. *Discussion*. The proposed project is for the operation of a religious center that includes a sanctuary, meeting rooms, classrooms, offices, and seminary. The proposed use will not emit any criteria pollutant.

d) Would the project expose sensitive receptors to substantial pollutant concentrations? NL. *Discussion*. The proposed project is for the operation of a religious center that includes a sanctuary, meeting rooms, classrooms, offices, and seminary and does not generate substantial air pollution that would affect sensitive receptors.

e) Would the project create objectionable odors affecting a substantial number of people? NL. *Discussion*. The proposed project is for the operation of a religious center that includes a sanctuary, meeting rooms, classrooms, offices, and seminary and does not generate objectionable odors that would affect a substantial number of people.

#### **IV. BIOLOGICAL RESOURCES**

##### **Environmental Impacts**

Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish & Game or U.S. Fish & Wildlife Service? NL. *Discussion*. The project is an existing developed industrial site that will not require modifications that affect special status habitat or species.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish & Game or U.S. Fish & Wildlife Service? NL. *Discussion*. The project is an existing developed industrial site that will not require modifications that affect any riparian habitat or other sensitive natural community.
- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? NL. *Discussion*. The project is an existing developed industrial site that will not involve any wetlands.
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? NL. *Discussion*. The project is an existing developed industrial site that will not interfere or affect native or migratory fish or wildlife species.

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? NI. Discussion. The project is an existing developed industrial site. The proposed project will not involve any protect biological resources or conflict with the city's tree preservation policy or ordinance. Trees that are proposed for removal are less than 37" in circumference and therefore are not protected or considered heritage trees by the city.
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? NI. Discussion. The project is an existing developed industrial site that will not conflict with an approved local, regional, or state habitat conservation plan.

## **V. CULTURAL RESOURCES**

### **Environmental Impacts**

*Discuss environmental impacts of the project.*

- a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? NI. Discussion. The project is an existing developed industrial site and there are no listed or designated historical or cultural resources on the subject site.
- b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? NI. Discussion. The project is an existing developed industrial site and there are no listed or designated historical or cultural resources on the subject site.
- c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? NI. Discussion. The project is an existing developed industrial site and there are no listed or designated historical or cultural resources on the subject site.
- d) Would the project disturb any human remains, including those interred outside of formal cemeteries? NI. Discussion. The project is an existing developed industrial site and there are no listed or designated historical or cultural resources on the subject site.

## **VI. GEOLOGY AND SOILS**

### **Environmental Impacts**

*Discuss environmental impacts of the project.*

- a) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:
  - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

NI. *Discussion.* According to the Cadillac Fairview and Dixon Landing Park EIR, the subject site is located in the seismically active San Francisco Bay region but outside of the Alquist-Priolo Earthquake Fault zone. The project was developed with adherence to the design consideration and recommendations for soil and seismic impact listed in the geotechnical study that was prepared for the EIR and the city's building code standards.

b) Would the project result in substantial soil erosion or the loss of topsoil? NI. *Discussion.* The project site is an existing developed industrial site and will not result in substantial soil erosion or loss of topsoil.

c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? NI. *Discussion.* According to the Cadillac Fairview and Dixon Landing Park EIR, the subject site is located in the seismically active San Francisco Bay region but outside of the Alquist-Priolo Earthquake Fault zone. The project was developed with adherence to the design consideration and recommendations for soil and seismic impact listed in the geotechnical study and the city's building code standards.

d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? NI. *Discussion.* The project site is an existing developed industrial site. According to the Cadillac Fairview and Dixon Landing Park EIR, the subject site is located in the seismically active San Francisco Bay region but outside of the Alquist-Priolo Earthquake Fault zone. The project was developed with adherence to the design consideration and recommendations for soil and seismic impact listed in the geotechnical study and the city's building code standards.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? NI. *Discussion.* The project site is an existing developed industrial site and is already connect to city services for wastewater and sewer.

## **VII. HAZARDS AND HAZARDOUS MATERIALS**

### **Environmental Impacts**

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? NI. *Discussion.* The operation of the religious center will not involve the use or handling of hazardous materials.

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? LS/M. *Discussion.*

***Impact 1.** The proposed project site is located in an existing developed industrial park. The applicant proposing to operate a religious center consisting of a sanctuary, meeting rooms, classrooms, offices, and seminary in two existing research and development buildings which could subject sensitive receptors (children and elderly) to hazardous materials in the event of an accidental release. According to a risk assessment submitted by the applicant, there are 3 facilities that are approximately 1000 feet of the project site that contain or use hazardous materials in excess of threshold planning quantities, therefore the impact would be considered significant unless mitigated. However, the risk assessment recommends preparation of a Emergency Preparedness Plan (Plan) that incorporates evacuation procedures, a shelter-in-place program, and ventilation system shut down safety controls. In addition, the Milpitas Fire Department recommends the applicant install an in-place communication system, annual updates of the Plan and annual reviews of the Risk Assessment survey. Therefore, with these programs in place, the impacts would be reduced to a level of less than significant with mitigation incorporation.*

MM 1: The applicant shall design install a wind directional sock on the subject site. Additionally, the building shall have an in-place communication system for notifying occupants via a pre-recorded message in the event of an incident and then directing them on emergency procedures to follow. Part of the building response system will also include a ventilation system with manual shutoff control shall shut down airflow and to calculate the airflow and air exchanges within the building in the event of an incident. The Plan will outline the operational aspects of this system shall be submitted to the Fire Department for review of completeness and approval, prior to building occupancy.

MM 2: The applicant shall update, to the satisfaction of the city's Fire Department, the Plan on an annual basis. This update shall be conducted by a qualified safety consultant and shall be coordinated with the City's Fire Department in order to assure continuity of the implementation of the plan.

MM3: The applicant shall prepare, to the satisfaction of the City's Fire Department, a Plan for the site, which recognizes the nature of risks at the project site and in the industrial area surrounding the project site. Such a plan shall describe the evacuation/shelter-in-place programs and all related emergency procedures. The Plan shall include measures to protect personnel who are on facility premises, both inside and outside buildings. This plan shall also include emergency supply provisions for a time period as determined by the Fire Department. The development of the plan is the responsibility of the applicant and shall be approved prior to building occupancy. Proper implementation of this plan on an on-going basis shall be achieved by the property owner, to the satisfaction of the City's Fire Department, by submitting proof, on an annual basis, which indicates training, annual drills, and outreach have occurred.

MM 4: The applicant shall annually review the Risk Assessment survey and install additional safety devices/equipment/safeguards of the protection of occupants at the site (inside and outside of the building) as a result of changes in uses in the surrounding area.

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? NI.  
*Discussion.* The operation of the religious center will not involve the use or handling of hazardous materials.

d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? NI. *Discussion.* The project is not listed site with the Department of Toxic Substance Control (DTSC).

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project site? NI. The project site is not located within an airport land use plan or within two miles of a public airport or public use airport. NI. *Discussion*. The project is not within an airport land use plan or within 2 miles of a public airport or private airstrip.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project site? NI. The project site is not located within the vicinity of a private airstrip. *Discussion*. The project is not within an airport land use plan or within 2 miles of a public airport or private airstrip.

g) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? NI. *Discussion*. The project site is an existing developed site that will not physically interfere with an adopted emergency response plan and evacuation plan. No modification will be made to the public roads.

h) Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? NI. *Discussion*. The project site is an existing development within an urbanized area and there would be no impact resulting from wildfires.

## **VIII. HYDROLOGY AND WATER QUALITY**

### **Environmental Impacts**

a) Would the project violate any water quality standards or waste discharge requirements? NI. *Discussion*. The operation of the religious center will not violate any water quality standard. The project is an existing developed site and will not increase storm water runoff beyond current conditions.

b) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? NI. *Discussion*. The operation of the religious center will not substantially deplete groundwater supplies or groundwater recharge. The project proposal will decrease the amount of existing impervious surfaces with the addition of new landscape areas.

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? NI. *Discussion*. The project site is an existing development that is not near a stream or river.

d) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? NI. *Discussion*. The project site is an existing development that is not near a stream or river.

e) Would the project create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? NI. *Discussion*. The operation of the religious center will not create or contribute runoff water that would exceed capacity of the existing storm water drainage system or generate additional sources of polluted runoff.

f) Would the project otherwise substantially degrade water quality? NI. *Discussion*. The project site is an existing development and the proposed operation of the religious center will not generate water quality impacts.

g) Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? The project site contains areas that lie within Zone A which is subject to a 100 year flood hazard and Zone X which is subject to a 500 year flood hazard. NI. *Discussion*. The project proposal does not include new housing.

h) Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows? NI. *Discussion*. The project site is located within the 100 year flood zone. Considering this is an existing developed site, the impacts were previously reviewed and mitigated with the Cadillac Fairview and Dixon Landing Business Park EIR.

i) Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? NI. Considering this is an existing developed site, the impacts were previously reviewed and mitigated with the Cadillac Fairview and Dixon Landing Business Park EIR.

j) Would the project expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow? NI. The project site is unlikely to be impacted by inundation by seiche, tsunami or mudflow because it is located away from Sandy Wool Dam and San Francisco Bay.

## **IX. LAND USE AND PLANNING**

### **Environmental Impacts**

*Discuss environmental impacts of the project.*

a) Would the project physically divide an established community? NI. *Discussion*. The project site is an existing development and therefore will not divide an established community.

b) Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? NI. *Discussion*. The project is not in conflict with the city's Zoning or General Plan land use policies and regulations. Religious facilities are permitted with a conditional use permit in the Industrial Park zone.

c) Would the project conflict with any applicable habitat conservation plan or natural community conservation plan? NI. *Discussion*. The project does not fall within a habitat conservation plan or natural community conservation plan area.

## **X. MINERAL RESOURCES**

### **Environmental Impacts**

*Discuss environmental impacts of the project.*

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? NI. *Discussion*. The project site is outside of the four areas that are identified by the State Geologist as containing regionally significant construction aggregate resources.

b) Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? NI. *Discussion*. The project site is outside of the four areas that are identified by the State Geologist as containing regionally significant construction aggregate resources.

## **XI. NOISE**

### **Environmental Impacts**

*Discuss environmental impacts of the project.*

a) Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? NI. *Discussion*. The operation of the religious center shall be attenuated within the building and therefore will not generate noise impacts.

b) Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? NI. *Discussion*. The operation of the religious facility shall be attenuated within the building and therefore will not generate noise impacts.

c) Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? NI. *Discussion*. The operation of the religious facility shall be attenuated within the building and therefore will not generate noise impacts.

d) Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? NI. *Discussion*. The operation of the religious facility shall be attenuated within the building and therefore will not generate noise impacts.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project site to excessive noise levels? NI. *Discussion*. This

project site is not within an airport land use plan or within two miles of a public airport or public use airport.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project site to excessive noise levels? NI. *Discussion.* This project site is not within the vicinity of a private airstrip.

## **XII. POPULATION AND HOUSING**

### **Environmental Impacts**

*Discuss environmental impacts of the project.*

a) Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? NI. *Discussion.* The project site is an existing development that will not require new roads or infrastructure. The operation of the religious center will not likely induce population growth in the area.

b) Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? NI. *Discussion.* The project site is an existing development and will not displace existing homes.

c) Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? NI. *Discussion.* The project site is an existing development and will not displace people or necessitate construction of replacement housing.

## **XIII. PUBLIC SERVICES**

### **Environmental Impacts**

*Discuss environmental impacts of the project.*

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services. NI. *Discussion.* The project site is served by the following service providers:

Fire Protection. Fire protection is provided by the City of Milpitas Fire Department which provides structural fire suppression, rescue, hazardous materials control and public education services.

Police Protection. Police protection is provided by the City of Milpitas Police Department.

Schools. Educational facilities are provided by the Milpitas Unified School District that operates kindergarten through high school services within the community. Schools that would



serve the project include Milpitas High School (grades 9-12), middle schools (grades 6-8) and elementary schools (grades K-5).

Maintenance. The City of Milpitas provides public facility maintenance, including roads, parks, street trees and other public facilities. Milpitas' Civic Center is located at 455 E. Calaveras Boulevard.

Other governmental services. Other governmental services are provided by the City of Milpitas including community development and building services and related governmental services. Library service is provided by the Santa Clara County Library.

#### **XIV. RECREATION**

##### **Environmental Impacts**

*Discuss environmental impacts of the project.*

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? NI. *Discussion.* The operation of the religious center will not increase the use of existing neighborhood and regional parks that would cause substantial deterioration of the facility.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? NI. *Discussion.* The project proposal includes interior modification to the existing building to allow for indoor gymnasium that will be used by the church for its youth activities.

#### **XV. TRANSPORTATION/TRAFFIC**

##### **Environmental Impacts**

*Discuss environmental impacts of the project.*

Would the project:

a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? LS/M. *Discussion.* The project will result in a change in the Level of Service (LOS) for the intersection at California Circle and I-880 NB On and Off Ramp during the weekday peak hours. However, the impact on the traffic load and capacity on the existing street system would operate at acceptable levels (LOS B). Mitigation measure described in (b).

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? LS/M. *Discussion.* Impact 2. *According to the Traffic Impact Study, a level of service analysis was done for this project and studies the following five intersections:*

a. *Dixon Landing Rd/California Cir.*

- b. *Dixon Landing Rd/I-880 SB Ramp*
- c. *Dixon Landign Rd/Milmont Dr.*
- d. *California Cir/I-880 NB On and Off Ramps*

*The level of service analyses indicated that the studied intersections would continue to operate at acceptable levels of service D or better. However, the level of service (LOS) for intersection at California Cir and I-880 NB On and Off Ramps change from LOS A to LOS B and results in a less than significant impact. To mitigate this condition, the Traffic Impact Study recommends the following mitigation measures:*

MM 5: To prevent generation of new project trips during the weekday AM and PM peak hours, all Seminary classes and other events should be held during the hours of 9:30Am to 3:30 Pm and after 6:30 PM.

MM6: All County of Santa Clara, City of Milpitas, and Caltrans traffic engineering and design standards should be met.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? NI. *Discussion*. The project will not result in changes in air traffic pattern because there are no proposed modifications that would increase the height of the building.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections). NI. *Discussion*. The project does not propose any modification to the existing street system that create hazards due to sharp curves or dangerous intersections.

e) Result in inadequate emergency access? NI. *Discussion*. The project does not propose any modification to the existing street system that would impede emergency access.

f) Result in inadequate parking capacity? NI. *Discussion*. The Traffic Impact Report concluded that the highest parking accumulation occurs on a Sunday at 12:30PM. The 378 onsite parking spaces is sufficient for the anticipated maximum parking demand of 370 for the proposed religious facility.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? NI. *Discussion*. *The project will not conflict with an adopted policy, plan, or programs for alternative transportation.*

## **XVI. UTILITIES AND SERVICE SYSTEMS --**

### **Environmental Impacts**

*Discuss environmental impacts of the project.*

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

g) Comply with federal, state, and local statutes and regulations related to solid waste?

NI. Discussion. The project site is and existing development and is currently served by the following service providers:

- Electrical and natural gas power: Pacific Gas and Electric Company
- Communications: AT&T and Southern Bell Corporation
- Water supply: Provided by the City of Milpitas with the wholesale providers being either the San Francisco Water Department or the Santa Clara Valley Water District
- Recycled water: South Bay Water Recycling Program
- Sewage treatment: Provided by the City of Milpitas and treated at the San Jose/Santa Clara Water Pollution Plant in San Jose.
- Storm drainage: City of Milpitas
- Solid waste disposal: Disposal is at the Newby Island Landfill, operated by BFI
- Cable Television: Comcast

The project shall adhere to all local, state and federal regulations.

## **XVII. MANDATORY FINDINGS OF SIGNIFICANCE**

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important

examples of the major periods of California history or prehistory? NI. *Discussion*. The project is an existing developed site and will not have the potential to degrade the environment, reduce wildlife habitat, threaten endangered plant or animal species, or impact historical or cultural resources.

b) Does the project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? NI. *Discussion*. The project will not have incremental effects considering the subject site is located within an existing industrial park and urbanized area.

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? LS/M. *Discussion*.

*Impact 1. The proposed project site is located in an existing industrial park. The applicant is proposing to operate a religious center in two existing research and development building which could subject sensitive receptors (children and elderly) to hazardous materials in the event of an accidental release. According to a risk assessment submitted by the applicant, there are 3 facilities within 1,000 feet of the project site that contain or use hazardous materials in excess of threshold planning quantities, therefore the impact would be considered significant unless mitigated. However, the risk assessment recommends preparation of a Site Emergency Preparedness Plan that incorporates evacuation procedures, a shelter-in-place program, and ventilation system shut down safety controls. In addition, the Milpitas Fire Department recommends the applicant design an airborne chemical monitoring system, in-place communication system, annual update of the Emergency Action Plan and annual reviews of the Risk Assessment survey. Therefore, with these programs in place, the impacts would be reduced to a level of less than significant with mitigation incorporation.*

*Impact 2. The project will result in a change in the level of service from A to B to California Circle and the I-880 NB On and Off Ramp. This impact will be less than significant with mitigation that requires the proposed seminary and other church events to be held during the off peak AM and PM hours of 9:30 AM to 3:30PM and after 6:30PM which is reflected already in there proposal. Other traffic mitigation would be to adhere to all County of Santa Clara, City of Milpitas, and Caltrans traffic engineering and design standards.*



# CITY OF MILPITAS

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## **MITIGATED NEGATIVE DECLARATION** **ENVIRONMENTAL IMPACT ASSESSMENT (EIA) NO. EA2006-3**

A NOTICE, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED (PUBLIC RESOURCES CODE 21,000 ET SEQ.), THAT THE LIVING WORD BAPTIST CHURCH, WHEN IMPLEMENTED WITH THE REQUIRED MITIGATIONS, WILL NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT.

**Project Title:** Living Word Christian Center

**Project Description:** The project applicant is requesting a Use Permit Amendment that would allow an existing 61,122 sq. ft. church facility located at 1494 California Circle (APN 022-37-011) to expand into an adjacent 44,000 sq. ft. industrial building located at 1600 California Circle (APN 022-37-012). The project proposal consists of relocating the approved Sanctuary, meeting rooms, classrooms, and administrative offices to the adjacent building at 1600 California Circle and converting the building at 1491 California Circle to a Seminary consisting of offices, classrooms, kitchen facility, and indoor gymnasium. The project proposal also includes site and architectural modifications such as a new covered walkway, removal of two driveways entrances, reconfiguration of the parking lot area and landscaping between the two buildings, and installation of new signage.

**Project Location:** 1494 and 1600 California Circle (APN: 022-37-011 and 12), Milpitas, CA 95025.

**Project Proponent:** Everlasting Private Foundation, 19770 Stevens Creek Boulevard, Cupertino, CA 95014.

The City of Milpitas has reviewed the Environmental Impact Assessment for the above project based on the information contained in the Environmental Information Form and the Initial Study and finds that the project will have no significant impact upon the environment with the implementation of the following mitigation measures, as recommended in the EIA.

### **Required Mitigation Measures:**

**Mitigation Measure 1 [HH(b)]:** *The applicant shall design install a wind directional sock on the subject site. Additionally, the building shall have an in-place communication system for notifying occupants via a pre-recorded message in the event of an incident and then directing them on emergency procedures to follow. Part of the building response system will also include a ventilation system with manual shutoff control shall shut down*



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airflow and to calculate the airflow and air exchanges within the building in the event of an incident. The Plan will outline the operational aspects of this system shall be submitted to the Fire Department for review of completeness and approval, prior to building occupancy.

**Mitigation Measure 2/HH(b):** The applicant shall update, to the satisfaction of the city's Fire Department, the Plan on an annual basis. This update shall be conducted by a qualified safety consultant and shall be coordinated with the City's Fire Department in order to assure continuity of the implementation of the plan.

**Mitigation Measure 3/HH(b):** The applicant shall prepare, to the satisfaction of the City's Fire Department, a Plan for the site, which recognizes the nature of risks at the project site and in the industrial area surrounding the project site. Such a plan shall describe the evacuation/shelter-in-place programs and all related emergency procedures. The Plan shall include measures to protect personnel who are on facility premises, both inside and outside buildings. This plan shall also include emergency supply provisions for a time period as determined by the Fire Department. The development of the plan is the responsibility of the applicant and shall be approved prior to building occupancy. Proper implementation of this plan on an on-going basis shall be achieved by the property owner, to the satisfaction of the City's Fire Department, by submitting proof, on an annual basis, which indicates training, annual drills, and outreach have occurred.

**Mitigation Measure 4/HH(b):** The applicant shall annually review the Risk Assessment survey and install additional safety devices/equipment/safeguards of the protection of occupants at the site (inside and outside of the building) as a result of changes in uses in the surrounding area.

**Mitigation Measure 5 [TT(a)(b)]:** The proposed Seminary and other events shall be restricted to the hours between 9:30 AM to 3:30PM and after 6:30 PM to avoid new trips during the AM and PM peak hours.

**Mitigation Measure 6/TT(a)(b):** The applicant shall adhere to all County of Santa Clara, City of Milpitas, and Caltrans traffic engineering and design standards.



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Copies of the E.I.F. and E.I.A. may be obtained at the Milpitas Planning Department, 455 E. Calaveras Boulevard, Milpitas, CA 95035.

By: \_\_\_\_\_

Project Planner

# MITIGATION MONITORING PROGRAM

## LIVING WORD BAPTIST CHURCH AT 1494 CALIFORNIA CIRCLE ENVIRONMENTAL IMPACT ASSESSMENT NO. EA2004-3

(USE PERMIT NO. UP2003-59)

Mitigation Measure	Implementation, Responsibility & timing	Monitoring Responsibility	Shown on Plans	Verified Implement.	Remarks
<p><b>Mitigation Measure 1 (HH)(b):</b></p> <p>The applicant shall design install a wind directional sock on the subject site. Additionally, the building shall have an in-place communication system for notifying occupants via a pre-recorded message in the event of an incident and then directing them on emergency procedures to follow. Part of the building response system will also include a ventilation system with manual shutoff control shall shut down airflow and to calculate the airflow and air exchanges within the building in the event of an incident. The Plan will outline the operational aspects of this system shall be submitted to the Fire Department for review of completeness and approval, prior to building occupancy.</p>	<p><i>Responsibility: Applicant</i> <i>Timing: Prior to issuance of any building permits.</i></p>	<p><i>Responsibility: Fire Division</i></p>	<p>initials _____ date _____</p>	<p>initials _____ date _____</p>	
<p><b>Mitigation Measure 2 (HH)(b):</b></p> <p>The applicant shall update, to the satisfaction of the city's Fire Department, the Plan on an annual basis. This update shall be conducted by a qualified safety consultant and shall be coordinated with the City's Fire Department in order to assure continuity of the implementation of the plan.</p>	<p><i>Responsibility: Applicant</i> <i>Timing: Prior to issuance of any building permits.</i></p>	<p><i>Responsibility: Fire Division</i></p>	<p>initials _____ date _____</p>	<p>initials _____ date _____</p>	







<p><b>Mitigation Measure 3 [HH(b)]:</b>  <i>The applicant shall prepare, to the satisfaction of the City's Fire Department, a Plan for the site, which recognizes the nature of risks at the project site and in the industrial area surrounding the project site. Such a plan shall describe the evacuation/shelter-in-place programs and all related emergency procedures. The Plan shall include measures to protect personnel who are on facility premises, both inside and outside buildings. This plan shall also include emergency supply provisions for a time period as determined by the Fire Department. The development of the plan is the responsibility of the applicant and shall be approved prior to building occupancy. Proper implementation of this plan on an on-going basis shall be achieved by the property owner, to the satisfaction of the City's Fire Department, by submitting proof, on an annual basis, which indicates training, annual drills, and outreach have occurred</i></p>	<p><i>Responsibility: Applicant  Timing: Prior to issuance of any building permits</i></p>	<p><i>Responsibility: Fire Division</i></p>	<p>initials date</p>	<p>initials date</p>
<p><b>Mitigation Measure 4 [HH(b)]:</b>  <i>The applicant shall annually review the Risk Assessment survey and install additional safety devices/equipment/safeguards of the protection of occupants at the site (inside and outside of the building) as a result of changes in uses in the surrounding area.</i></p>	<p><i>Responsibility: Applicant  Timing: Prior to issuance of any building permits.</i></p>	<p><i>Responsibility: Fire Division.</i></p>	<p>initials date</p>	<p>initials date</p>
<p><b>Mitigation Measure 5 [TT (a)(b)]:</b>  <i>The proposed Seminary and other events shall be restricted to the hours between 9:30 AM to 3:30PM and after 6:30 PM to avoid new trips during the AM and PM peak hours.</i></p>	<p><i>Responsibility: Applicant  Timing: Perpetual</i></p>	<p><i>Responsibility: Planning</i></p>	<p>initials date</p>	<p>initials date</p>
<p><b>Mitigation Measure 6: [TT (a)(b)]:</b>  <i>The applicant shall adhere to all County of Santa Clara, City of Milpitas, and Caltrans traffic engineering and design standards.</i></p>	<p><i>Responsibility: Applicant  Timing: Perpetual</i></p>	<p><i>Responsibility: Planning  Engineering</i></p>	<p>initials date</p>	<p>initials date</p>